



0000102699

**ORIGINAL**

**From:** Kim Rego [kcr@vailaz.com]  
**Sent:** Monday, September 14, 2009 8:29 AM  
**To:** Mayes-WebEmail  
**Cc:** Info@AzHighway83.com  
**Subject:** FW: Docket No. L-00000F-09-0190-00144 - Case #144 - Vail to Valencia  
**Attachments:** KimRegoCommision.pdf; EW17BMailingsSegment1.pdf

Dear Chairman Maynes,

I am resending my comments re Docket No. L-00000F-09-0190-00144 - Case #144 - Vail to Valencia for the Special Open Hearing and including an attachment that I left off earlier. Please confirm receipt.

Sincerely

Kim Rego

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**From:** Kim Kolba  
**Sent:** Sunday, September 13, 2009 5:03 PM  
**To:** 'mayes-web@azcc.gov'  
**Cc:** 'Info@AzHighway83.com'  
**Subject:** Docket No. L-00000F-09-0190-00144 - Case #144 - Vail to Valencia

Dear Chairman Maynes,

Please find attached my comments re Docket No. L-00000F-09-0190-00144 - Case #144 - Vail to Valencia for the Special Open Hearing.

Sincerely

Kim Rego

Arizona Corporation Commission

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SEP 14 2009

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ARIZONA CORPORATION COMMISSION  
DOCKET CONTROL

2009 SEP 14 P 4: 04

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**Public Comment**

Dear Chairman Mayes and Members of the Commission,

Thank you for making the trip to Tucson for the Special Open Hearing for the Vail to Valencia case. Unfortunately, due to my work schedule I may not be able to attend.

My name is Kim Rego and I my family and I live in the Empire Mountains. I am a taxpayer, TEP ratepayer and registered voter in the State of Arizona.

I am writing today to request that you add the formation of a Citizens' Advisory Council to the Certificate of Environmental Compatibility. I sent a packet of all of the public comments. In there is the same request in letters representing hundreds of families in our diverse community. It is in the best interest of the public and the environment. Regardless of how good public outreach is by any utility, the Committee still considers each application on a case by case basis. In this case, the outreach was not "upfront and aggressive" in my community.

I read the brief submitted by UNS Electric and have some concerns about it. I am concerned about the way words are crafted to put on a good show instead of making apology for the lack of appropriate public outreach.

1. My biggest concern in the brief is that the attorneys keep making comments about the Project Study area, about Elizabeth living outside of the Project Study Area and how they fulfilled all legal requirements for public notice. I used to be in the "Project Study Area" for the Rosemont Electric project and now the company has excluded my neighborhood by shrinking the size of the "Project Study Area". My community would be directly and indirectly impacted by the Rosemont Electric Project. It is the only community that would suffer new transmission lines in a view shed where previously there has been none. It is the community who would suffer traffic impacts on a dangerous windy scenic highway during the construction phase.

**Does this mean if I make comments when the Rosemont Electric Project goes in front of the Commission that they will be discounted because "I am not in the Project Study Area?"** From reading the brief it sure seems that way.

2. Newsletters were sent to residents in Tubac and Amado, well outside of the project study area in the Vail to Valencia case. Members in my family who lives in the Trails West Subdivision just over a mile, north the new construction was not. This is according to an exhibit I printed for Elizabeth Webb. I am including it now so you can see. It is titled Exhibit EW 17B.

3. No meeting was held in Vail/Corona/Rita Ranch even though the Vail substation is in our school district boundaries. Rita Ranch is only 3 miles to the north of the project and has many schools available for public meetings. I have also attended many meetings at the Corona de Tucson Fire Station. Corona de Tucson is less than a mile from the project study area.

4. The newspaper advertisements for the Open Houses, ten miles from the Vail Substation and outside of the Vail School District boundaries were ambiguous and did not show any indication that TEP was

involved in this project. When I think of upgrade I don't think of 4 miles of new construction and switching the line from one electric company to another even if UNS Electric does. I think the cost of several million dollars for a transformer for future use in TEP's system is something that should have been discussed with its customers.

5. A more effective way to have public participations is to work with local groups and to post flyers in locations where people will see them. Another effective way is to provide feedback and contact people who make comments at the Open Houses. I attended the first Rosemont Electric Project Open House and submitted several comments. I never received a follow-up phone call or mail.

6. I have been involved with community issues that involve BLM in the last few years. I was extremely concerned to see that TEP excluded them when sending out Agency and Governmental newsletters and during years of planning. We already have so many environmental blights in our area in the last few years that to exclude the agency who would be very involved in this project in the preferred alignment is just not acceptable. It makes me think that the company was hoping to get approval from the ACC and then say to BLM, well look, the Corporation Commission approved it so you have to. We all know from the big transmission line project to Mexico that it is not always the case.

I am also concerned at the cavalier attitude of the company about the Federal environmental process. The company has to make application for a right of way and then follow certain steps. My understanding is that the company has not applied for a right of way yet and is still trying to find any way to avoid the BLM land or get a Categorical Exclusion. Theoretically the company could have to perform a full EIS on this line. We don't know yet because they have not applied. One thing is clear. The Federal process requires examination of cumulative effects and the company didn't include these in the application.

I also have concerns because you can see by the correspondence between TEP and the Arizona State Land Department when UNS Electric's lease expired for this line the company was made aware there was previous federal involvement with the project.

7. Environmental impacts to the line that was rebuilt. I read in the brief that the portion of the *"previously reconstructed line will remain unchanged except for being energized to 138kV"*.

I would like to understand this lease information from the Arizona State Land department for a portion of the rebuilt line. I hope you can help me. It is from last year and it says the purpose is an "aboveground 138kv transmission line with internal 24 count fiber optics". Another document says "Applicant will construct, operate and maintain an above ground 138kV electric transmission line with fiber optic.(24 fiber count)". In a letter from UNS Electric to the AZ. State Land department it says *"The existing steel poles for the 115kV line, insulators and conductor will be adequate for the 138kV circuit planned. So, when the line is upgraded, we will only have to string conductors."*

**Does the existing rebuilt line have 24 fiber count fiber optics in it already or will it have to be placed on the rebuilt line later? It is confusing.** If it has to be placed on the line later it seems like there would be more environmental damages to an area that has grown back a bit from the last construction. If it has to be placed on the line later it seems like the attorneys were not correct in what they said about the line remaining unchanged.

8. I have driven in the rebuilt area between the Nogales Tap to Santa Rita Rd. with Elizabeth. There are a minimum of two roads next to the new poles in many locations. I think it is because the company cut off the bottom of the old wood poles, moved over and made a new road for the metal poles. One suggestion to stop OHV use is to plant barrel cactus in the road that is being discontinued by the company. I also noticed that people had sheds and fences under the rebuilt section of the line

9. Our community will the most environmental and ecological damage done to it in association with the project than any other. The environment includes the humans who live in it. Our community is the only community with

new construction involved. With seventeen planned projects from the Vail substation in the next 25 years plus other projects such as the Rosemont Electric Project and the planned Trico Substation in New Tucson it is very obvious that our area at risk,. It is really at risk because we have a very small population compared to the number of projects planned.

I am not opposed to transmission lines if there is upfront and aggressive public involvement. I am not opposed to transmission lines if the company can show there is a need. I am not opposing this project. What I am doing is asking for the logical thing-public involvement in transmission planning that has accountability. It is a huge cost savings measure over what happens when these cases go in front of the ACC and the Vail Substation has an enormous amount of projects planned in the future.

Thank you for listening,

Dated this 12th day of September 2009

**Kim Rego**

**PO Box 786**

**Vail, AZ 85641-0786**

**[www.azhighway83.com](http://www.azhighway83.com)**

**[info@azhighway83.com](mailto:info@azhighway83.com)**

# STATE LAND DEPARTMENT STATE OF ARIZONA

## Right of Way

R/W No. 14-110981

THIS RIGHT OF WAY ("Right of Way") is entered into by and between the State of Arizona (as "Grantor") by and through the Arizona State Land Department and

UNS ELECTRIC, INC.

("Grantee"). In consideration of payment and performance by the parties of each of the provisions set forth herein, the parties agree as follows:

### EXTENT OF DOCUMENT

"Additional Conditions", "Exhibits", and "Appendixes" are an integral part of this document. In case of a conflict between the printed boiler document and the additional conditions, exhibits, or appendixes, the applicable additional condition, exhibit, or appendix shall be considered the governing document and supersede the printed boiler, but only to the extent necessary to implement the additional condition, exhibit, or appendix, and only if the additional condition, exhibit, or appendix does not conflict with governing state or federal law.

### ARTICLE 1 SUBJECT LAND

1.1 Grantor grants to Grantee a Right of Way on, over, through, and across the State lands described in Appendix A attached hereto ("Subject Land").

1.2 Grantee makes use of the Subject Land "as is", and Grantor makes no express or implied warranties as to the physical condition of the Subject Land.

### ARTICLE 2 TERM

2.1 The term of this Right of Way commences on October 10, 2008 ("Commencement Date"), and expires on October 9, 2058 ("Expiration Date"), unless sooner canceled or terminated as provided herein or as provided by law.

**ARTICLE 3**  
**RENT**

**3.1 Rental is due in advance for the term of this Right of Way document.**

**3.2 If the Grantee should fail to pay rental when due, or fail to keep the covenants and agreements herein set forth, the Commissioner, at his option, may cancel said Right of Way or declare the same forfeited in the manner provided by law.**

**ARTICLE 4**  
**PURPOSE AND USE OF SUBJECT LAND**

**4.1 The purpose of this Right of Way is the location, construction, operation, and maintenance of:**

**above ground 138kV transmission line with internal 24 count fiber optic.**

**4.2 No material may be removed by Grantee or its contractors without the written approval of the Grantor.**

**4.3 Grantee shall not exclude from use the State of Arizona, its lessees, or grantees, or the general public the right of ingress and egress over this Right of Way.**

**4.4 Grantee shall acquire required permits prior to construction, and adhere to all applicable rules, regulations, ordinances, and building codes as promulgated by the local jurisdiction and any applicable State or Federal agencies.**

**4.5 All use of State land outside the Right of Way must be applied for and authorized in accordance with applicable law.**

**4.6 Grantee shall not sublet or assign this Right of Way or any portion thereof without the written consent of the Grantor.**

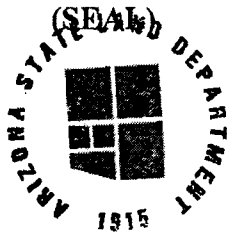
**4.7 The Grantor retains ownership of the Subject Land. The use of this Right of Way is to be non-exclusive. This Right of Way is sold subject to existing reservations, easements, or rights of way heretofore legally obtained and now in full force and effect.**

**4.8 When necessary for Grantee's reasonable use of this Right of Way for the purposes for which the grant is made, it shall be deemed to include the rights in, upon, over, and across the described Subject Land to erect, construct, reconstruct, replace, repair, and maintain the facilities authorized by this Right of Way.**

IN WITNESS HEREOF, the parties hereto have signed this Right of Way effective the day and year set forth previously herein.

STATE OF ARIZONA, GRANTOR  
Arizona State Land Commissioner

By: Nancy C. Perry 11/21/08  
Date



UNS Electric, Inc.

✓GRANTEE

[Signature] 11/05/08  
✓Authorized Signature Date

Director, Land Management  
Tucson Electric Power Company

✓Title

Mailstop DS-315  
P.O. Box 711

✓Address

Tucson, AZ 85702

✓City

State Zip

**From:** James Rees  
**To:** Geoffory Beckett  
**Date:** 9/5/2006 9:29:43 AM  
**Subject:** Re: ASLD R.O.W. Application No. 14-110981 (Formerly #72-36055).

Geoff,

Would you please respond to Ms. Pintor at your very earliest convenience? Thank you.

James

XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX

>>> <CPintor@tep.com> 9/5/2006 9:15 AM >>>

Hi James,

Hope you had a nice long weekend! I was wondering if you could please give me an update on the status of this application. Last time we spoke you were going to inquire as to why Lease No. 72-36055 had expired. As far as our records show, UNS Electric never received a renewal notice for this right of way.

Thanks!

Cory Pintor  
Land Management  
Tucson Electric Power Company  
520-917-8746 Fax 520-917-8700  
[cpintor@tep.com](mailto:cpintor@tep.com)

*Would letter maker or does payment responsibility change with  
change in new permittee*



**Geoffory Beckett - RE: UNS Application 14-110776**

**From:** <CPintor@tep.com>  
**To:** <GBeckett@land.az.gov>  
**Date:** 9/12/2006 1:00 PM  
**Subject:** RE: UNS Application 14-110776

-Hi Geoff,

Thanks for getting back to me. As you are aware there is an existing 115 transmission line that will be changed out in the future to a 138 kV transmission line.

The existing steel poles for the 115 line, insulators and conductor will be adequate for the 138 circuit planned. So when the line is upgraded, we only have to string new conductors. The existing poles are weathering steel poles with spans of about 900-1000 ft and the poles are about 100' above ground and are direct embedded.

JNS will have to get approval from the Power Line and Power Plant Siting Committee and secure a Certificate of Environmental Compatibility from the Arizona Corporation Commission in order to upgrade the line to the 138. The archaeological and native plant surveys will be conducted as part of that process and will be submitted to ASLD for your approval prior to any construction activity.

The ROW will remain 100'. I will provide you with a new legal description and map for the ROW as soon as it is available.

Do you have a contact person for the existing Lessee? Since the poles are sufficient for the 138 the only construction activity will only be stringing the new conductors, the disturbance should be minimal, however, TEP would like to contact the existing Lessee to discuss the future 138 line and get an approval letter from them.

You wanted to know who will own the fiber optics. UNS Electric will own the fiber for their own internal use as well as lease out a portion for commercial purposes. This will not happen until the line is upgraded to the 138 line.

Hopefully I answered all of your questions. If you need any additional information, please do not hesitate to contact me. This application is the utmost importance to UNS Electric. Would you please let me know the status and how long you think it will take to process the application?

Again, thanks for your help!

cory

-----Original Message-----

**From:** Geoffory Beckett [mailto:GBeckett@land.az.gov]  
**Sent:** Thursday, September 07, 2006 6:25 PM  
**To:** Pintor, Cory  
**Subject:** UNS Application 14-110776

Cory:

Sorry I missed your call. Since I'm not the best typist I will try to keep it short and we can discuss things at length on Monday if need be.

1. The 72 file as you know was originally a federal ROW. Because of that it was in our system as a "no-pay" which means that no payment was due for it. Our system for notifying is based off of our billing/accounting system. If there is no money due then there is no notification that the ROW is expiring soon. Thanks for the info.
2. The application states that there is no Lessee or improvements that may be disturbed. This may not be correct because of the additional power and utilities there is a Lessee and the Lessee still needs to be noticed by the department about the new application.

*Shale-cove  
 Dual purposes  
 can't build system*

application says ROW 100' wide. Is that current or with new additions. Is there a good survey, the one we have from the old  
le is very dark and not readable.

application mentioned an arch. survey. Do you have an existing one or will the additional power and utility installation required  
w survey?

Who will be the owner and/or provider of the fiber optics? What will be its purpose?

are poles being replaced for new and/or larger ones?

will talk on Monday. In the meantime, have a great Friday and weekend!

ff Beckett  
W Section  
!) 542-2656

# Mailing List - Segment 1

Vail to Valencia 115kV to 138kV Upgrade Project

## Legend

- Existing 115kV Transmission Line
- Alternative Alignments (100 Foot ROW)
- Preferred Alignment (100 Foot ROW)
- 500 Foot Corridor
- ▲ Substations
- Area of Notification (Residents and Property Owners)
- Bureau of Land Mgmt.
- Coronado N.F.
- Private Land
- San Xavier Indian Res.
- State Trust Land



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